1951.

File No. S.S.C. Exam. II/51 (R)

P=5
2

Legal Department
B **BRANCH**

Subject:— Notifcalions under the Bombay Secondary school Certifeate Examination Act, 1948.

File No. S.S.C Exam. II/51 (R)

Gen. 194 e.

43-B

Office of the R.L.A.

Para. 2(1) of E.D. office note dated 16-10-50 at pages 1 and 2 ante .- The additional clauses (vii) and (iv) proposed by the Board in regulations 3(b) and 4(b) are legally in order. The Department may consider whether *for the* expression "Class III servants" the expression "the clerical staff" may be used in the proposed clauses. (Cf. Regulation 4(b)(ii)) .

Para. 2(3) at page 3 ante .- In the revised regulation 4(b)(ii) proposed at p. 3 ante the words "not travelling allowance" may be omitted.

para. 2(4)(a) at pages 3-4 ante .- As advised in this Department opinion No. 556-confl. dated 22nd July 1950, the Note below regulation 35 should have been deleted when the Regulations were published on 30-8-1950. The note may now be deleted as proposed However, no further steps are necessary at this in stage to approve the action taken by the Board in declaring the results of the 1950 S.S.C. Examination on the basis of the note as the note was effective when the examination in question was held (cf. para. 2 of this Department opinion No . 556-Confl. dated 22-7-50).

para 2(4)(b) at page 4 ante .- Sanction may be accorded by executive orders as proposed.

para. 4 as at page 5 ante .- The seven amendments as proposed by E.D. in Statement B at pages 13-14 ante are legally in order.

Sd/-J.R.Dhurandhar.
13-3
Remembrancer of Legal Affair

U.R. to E.D. No. 4145, dated the 13th March 1951.

Office of the R.L.A.

The draft amendments at pages 21 to 25 C.S. are free from any legal objection. They have been revised from the point of drafting.

Regulation 12(2)(iii) .- The words "at least" have been inserted so as to cover the case of a first class graduate.

Regulation 37-Explanation.- The amendment to regulation 30(2) prescribes eight as the minimum number of subjects required for passing the S.S.C. Examination. In view of the amendment to regulation 30, it would be necessary to make a consequential charge in relation to the number of subjects referred to in the proposed explanation to regulation 37. The expression "highest marks" does not bring about clearly the intention underlying the explanation. It appears that the intention is to take into account the marks obtained in those eight subjects in which the candidate has obtained higher marks than the marks obtained in the remaining subjects. The explanation is amended accordingly. The Education Department should verify if the Explanation as amended carries out ix its intention.

Sd/-J.R.Dhurandhar.
17-7

Remembrancer of Legal Affairs.

U.R. to E.D.,No. 11366 , dated the 18th July 1951.

S.C. 17/7

4 copies.

Legal Department.

Having regard to the provisions of section 27 of the Bombay Secondary School Certificate Examination Act, 1948 the proper course which Government should follow in this case is to issue a Government Resolution for sanctioning the amendments and not a corrigendum as proposed. The Amendments thus sanctioned will be issued as accompaniment to the Government Resolution. A draft of the accompaniment is sent herewith.

Sd/-S.L.Chaudhari.
1-10

Deputy Secretary to Government.

U.R. to E.D. No. 15622 , dated the 1st October 1951.

S.C. 17/7

4 copies.

Legal Department.

Revised draft amendments in place of E.D. draft at pages 9 to 10 ante are sent herewith, subject to the following observations .-

1). Regulation 14 - Instead of inserting a new clause (5) to regulation 14 as proposed by the Education Department the existing clause (4) may be amended as shown in the accompanying draft.

2). Regulation 17 - The amendment proposed by the Board does not cover the following two cases, namely .-

(1) When an Associate Examiner examines 50 answer scripts; and

(2) When he examines 100 or more such scripts.

The Board should consider whether it is not necessary to make provision as to the amount of lump sum remuneration which will be paid in the aforesaid two cases

3). Regulation 27 - Instead of adding notes (2) and (4), the better method would be to re-number the existing regulation 27 as clause (1) and to add the matter provided in notes (3),(4) and (5) under new sub-clause (2) and (3) respectively. It appears from the explanatory note given in the letter of the Chairman, S.S.C. Examination Board, with reference to note (3) proposed to be added to regulation 27 that the S.N.D.T. Women's University before it was incorporated under the Shrimati Nathibai Damodar Thakersey Womens University Act, 1949 was holding the Entrance Examination. It is now proposed to extend the concession of appearing at the S.S.C. Examination held by the Board to those students who appeared and failed at the Entrance Examination of that University. In order not to confuse the statutory University with the un-incorporated University, the note which has been embodied under clause (2) makes the position clear. Note (5) proposed to be added to regulation has been embodied under clause (3) of the regula-

RESOLUTION.

Regulation 39.- It is proposed to add N.B.(6) to regulation 39 so as to extend the benefit of exemption to the candidates who have appeared for the Entrance Examination of the Shrimati Nathibai Damodar Thakersey Women's University. It is clear that this benefit is to be extended to those candidates who have appeared for the Entrance Examination of the S.N.D.T. Women's University before it was incorporated under the Bombay Act of 1949. This point has been made clear in the proposed note.

Sd/- S.L.Chaudhari
15-10

Deputy Secretary to Government.

U.R. to E.D. No. 16304 , dated the 15th October 1951.

S.C. 17/7

The E.D. may verify if the Note i appearing at the beginning of Appendix A requires any consequential change on account of the addition of new Group IVA (now shown as IIIA).

Sd/- J.R.Dhurandhar.
24-2

Remembrancer of Legal Affairs.

U.R. to E.D. No. 20495 , dated the 29th December 1951.

Office of the R.L.A.

Revised draft amendments in place of E.D. draft at page 9 ante are sent herewith, subject to the following observations.

The proposal appears to be to add one more Group namely Group IVA and to show under it five Modern European Languages which at present appear under Group III namely items 26 to 29 both inclusive and to show 8 Modern Indian Languages which are altogether new subjects in that Group. As a result of the addition of these 8 languages the subsequent serial number of subjects under Groups V to IX are proposed to be changed from "31 to 63" to "39 to 71". This renumbering of serial numbers would necessitate the amendment in Appendix B under which the sullabus of each subject with reference to its serial number is given Not only this, but the foot-note with reference to Group V and N.B. 1 to 4 appearing after Group IX would require to be amended consequentially. To avoid all such consequential renumbering, the better course would be to insert a new Group XIIA (instead of Group IV A as suggested by the Board) and to transfer entries 26 to 29 from Group III to Group IIIA and to give new serial numbers to 8 Modern Indian Languages as 29A,29B,29C,29D,29E,29F, 29G and 29H. This would avoid further renumbering of entries from 31 to 63.

Appendix B - It would be necessary to make consequential amendments in Appendix B. Such amendments are shown in the revised draft. In Appendix A it has been p oposed to insert the subject of "Modern Indian Languages (without texts)". The E.D may consider whether it would not be necessary to provide for in Appendix B a detailed course in that subject as required by regulation 23.